

INDUSTRIAL TRIBUNAL

No. 1126-2-Lab-68-1608

No. 1126-2-Lab-68-1608.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 ('Central Act X' of 1948), the President of India is pleased to appoint a committee consisting of the following persons to hold inquiries and advise the Government in revising the minimum rates of wages in respect of employees in (i) non-ferrous Metal Rolling and Remolting Industry and (ii) Brass, Copper and Aluminized Items making industry in the State of Haryana which were fixed vide Firstwhile Punjab Government Notification No. 200-C/A/H 43 S-5 63 9914 dated 16th May, 1963:

(Government Nominee who do not represent any interest)

1. Labour Commissioner, Haryana

Chairman

Employers' Representatives

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|---|--------|
| 1. Shri B. K. Goel, Manager, M/s Parkash Metal Industries, Jagadhri .. | Member |
| 2. Shri Nand Lal Secretary, Metal Industry Development Society, Jagadhri .. | Do |
| 3. Shri Tara Chand Gupta, Proprietor, Vijay Metal Works Rewari .. | Do |

Employees' Representatives

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| 1. Shri Madhu Sudan Saran Cowshish, Vice President I. N. T. U. C., Jagadhri .. | Member |
| 2. Shri Piara Singh (A.I.T.U.C.), Yamunanagar (Jagadhri Metal Works Workers Union, Jagadhri) .. | Do |
| 3. Shri Jai Gopal of the Hind Mazdoor Sabha, Yamuna Nagar .. | Do |

2. The Committee shall make its recommendations to Government within four months of the date of publication of this notification in the official Gazette.

3. The headquarters of the Committee shall be at Chandigarh but it can hold meetings at any other place in the State of Haryana, if considered necessary.

The 19th February, 1968.

No. 1126-2-Lab-68-1608—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XXI of 1947) the President of India is pleased to direct the following reference under clause (d) of sub-section 1 of the Industrial Disputes Act, 1947 to the Industrial Tribunal, Chandigarh for adjudication of the dispute:

REFFEREE SHEIKH A. GUSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL

HARYANA CHANDIGARH.

Case No. 37-1967

between

The Workmen and the Management of
M/s Technological Institute of Textiles,
Bhiwani.

Present: Shri B. P. Ghaiye for the Management.
Shri Sagat Ram Gupta, for the Workmen.

PART AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Technological Institute of Textiles, Bhiwani over the following matters, the same was referred for adjudication to this tribunal under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947—vide Haryana Government Notification No. 102-SF-3Lab-67/4692, dated 7th March, 1967:

- (1) Whether the workmen are entitled to the grant of any additional bonus for the year 1964-65? If so, what should be the quantum of additional bonus and the condition of its payment?
- (2) Whether the workmen are entitled to extra wages for 15th August, 1965? If so, with what details?

On receipt of the reference in this tribunal, usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The workmen of the parties gave rise to 3 issues which are as under:

- (1) Whether the reference is incompetent for the reasons given in preliminary objections 1, 2 and 3 in the written statement of the management?
- (2) Whether the workmen are entitled to the grant of any additional bonus for the year 1964-65? If so, what should be the quantum of additional bonus and the condition of its payment?
- (3) Whether the workmen are entitled to extra wages for 15th August, 1965? If so, with what details?

The above issues were framed on 28th of April, 1967 and parties were directed to produce their evidence in respect of the same.

Issue No. 1 is purely legal and parties have not produced any evidence in respect of the same. Evidence on issue No. 3 has concluded but evidence on issue No. 2 has not yet closed because of the fact that some of the records of the management were in the meantime seized by the C.B.I. and the management has not been able to get them back. Both the parties desired on the last hearing that item No. 1 of the dispute may be decided later on but that an award may be given in respect of item No. 2 of the dispute and that the said award may be treated as a part award in this reference. Both the parties have addressed their arguments to me on issues No. 1

and 3 and my findings on the said issues are as under :—

Issue No. 1—

Three preliminary objections have been taken by the management in their written statement. One of them is that the workmen have claimed 20 per cent bonus without giving any particulars and that the said claim is, therefore, vague and beyond the jurisdiction of the Tribunal. Second objection is that the second term of reference in respect of extra wages for the 15th August, 1965 cannot be adjudicated because what the workmen actually claim is compensation and not wages. The third objection is really clarification of the second and the contention raised by the management is that since the reference order is for payment of extra wages for the 15th August, 1965 and not for payment of wages for the other weekly off day, the demand is outside the terms of reference as framed. Issue No. 1 covers all these three objections. After giving my careful consideration I feel that none of them has any force. The workmen have clearly said in their statement of claims as also in the demand notice that the management had earned huge profits in the year in question and that the workmen were entitled to the maximum bonus at the rate of 20 per cent for the said year. No other details need be given by the workmen and I entirely fail to understand how the claim of the workmen can be termed as vague and indefinite. Regarding objection No. 2 and 3, these are hyper technical. With regard to these objections it is urged by the management that the term of reference is in respect of extra wages for the 15th of August, 1965 and since the term 'Wage' means 'remuneration for work done' and since it is admitted that the workmen did not do any work on the 15th August, 1965 the claim for wages for that date is not entertainable. This contention has no force whatever. The workmen in substance claim their wages for the weekly rest day in the week commencing with the 12th of August, 1965 and ending with the 18th of August, 1965. Their case is that since 15th August, 1965 was to be a National and Festival Holiday the management should pay wages for that day on the short ground that the said day could not be substituted for the weekly rest day. This issue is decided against the management.

Issues No. 3—

It is not denied by the management that they have fixed a weekly rest day for each of their workmen and have specified the same on the attendance card of each of them and also on the Wage Register maintained by them. Obviously the management could not have changed the weekly rest day so as to deprive the workmen of their right to have the 15th August as National and Festival paid holiday. The action of the management did deprive the workmen of their wages for the 15th August, 1965 because instead of treating it as a paid National and Festival holiday, they turned it into the weekly rest day for all the workmen. As a result of treating 15th of August, 1965 as the weekly rest day, some of the workmen got their weekly rest after four days, and some others got the same after 11 or 12 days. A workman who had his weekly rest on the 11th August, 1965 got it again on 15th of August, 1965 but did not get the next rest till the 25th of August, because of the fact that 18th August which was to be rest day for him was not allowed to him as such. I am definitely of the opinion that the management was not justified in treating the 15th August, 1965 as the weekly rest day and in depriving the workmen of their weekly rest days as previously fixed for each of them. The workmen are in my opinion entitled to one day's extra wages for the 15th of August, 1965.

For the reasons given above the management is directed to pay one day's extra wages for that date to all their workmen excepting those who were otherwise to have their weekly rest on Sunday, the 15th of August, 1965.

No order as to costs.
Dated 2nd February, 1968.

K. L. GOSAIN,
Presiding Officer
Industrial Tribunal, Haryana,
Chandigarh.

No. 228, dated Chandigarh, the 2nd February, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,
Presiding Officer
Industrial Tribunal, Haryana,
Chandigarh.

R. I. N. AHOOJA, Secy.

LABOUR AND EMPLOYMENT DEPARTMENTS

The 16th February, 1968

No. 638-2Lab-67/4083. In exercise of the powers conferred by clause (a) of sub-section (i) of Section 5 of the Minimum Wages Act, 1948 (Central Act XI of 1948), the President of India is pleased to appoint the Committee consisting of the following persons to hold inquiries and advise the Government for fixing minimum rates of wages in respect of Employment in Rubber Industry in the State of Haryana, which has been added to part I of the Schedule to the Minimum Wages Act, 1948. — vide Notification No. 10 D.G.A.I./13/S. 27/65, dated 22nd April, 1966 :-

Government nominees who do not represent any interest

1. Labour Commissioner, Haryana or his nominee (Chairman).
2. Economic and Statistical Advisor.

Employers Representatives

1. Shri Daya Krishan, Asia Rubber Mills Gurgaon.
2. Shri R. K. Jain, President, Guagao Industrial Association Managing Partner Enkay (India) Rubber Co., Gurgaon.
3. Shri F. Stobra, Occupier of M's Bata Shoe Co., Faridabad.

Employees' Representatives

1. Shri C. B. Kuship, General Secretary, Rubber Workers Union, Gurgaon.
2. Shri J. D. Bakshi, Ambala Cantt. INTUC
3. President, Bata Shoe Workers Union, Faridabad.

2. The Committee shall make its recommendations to Government within two months of the date of issue of this notification. The headquarter of the Committee shall be at Chandigarh but Chairman can hold meeting at any place in the State if and when considered necessary.

R. I. N. AHOOJA, Secy.

SOCIAL WELFARE DEPARTMENT

The 5th February, 1968

No. SW(68)/626.—The President of India is pleased to constitute an Advisory Committee comprising of the following officials and non-officials for the Training Centre for the Adult Blind, Sonepat :—

1. Sub-Divisional Officer (Civil)	..	Chairman
2. Senior Medical Officer	..	Member
3. Assistant District Industries Officer	..	Member
4. Superintendent, Training Centre for the Adult Blind, Sonepat	..	Member-cum-Secretary
5. President, Municipal Committee, Sonepat	..	Member
6. Chairman, Sonepat Co-operative Consumer Stores, Ltd., Sonepat	..	Member
7. Secretary, Manufacturing Association, Sonepat	..	Member
8. Shri Phool Chand, Advocate, Sonepat	..	Member
9. Smt. Nirmal Arora, Headmistress, Jr. Model School, Sonepat	..	Member
10. Mrs. Sachdeva, 85 Model Town, Sonepat	..	Member

The function of the Committee in its Advisory capacity will be to advise to Government on all matters concerning Welfare of the inmates of the Institution.

The term of the members of the Committee will be for 3 years.

A nominated member may, however, be removed, if he does not attend three meetings of the Committee consecutively. The successor of the members so removed shall be nominated by the Government for the remaining term.

MEETING

The Committee shall meet once in three months except emergent meetings which may be called by the Chairman at any time.

No. T. A. and D.A. will be admissible to the members of the Committee.

The quorum of the meeting will be four members.

No. SW(68)/642.—The President of India is pleased to constitute a Purchase-cum-Advisory Committee comprising of the following officers for (a) advising and (b) affecting local purchases in the Government Institute for the Blind Panipat :—

1. S. D. O. (Civil), Panipat	..	Chairman
2. District Industries Officer, Panipat	..	Member
3. Assistant Surgeon, Panipat	..	Member
4. Secretary, Municipal Committee, Panipat	..	Member
5. Marketing Secretary, Panipat	..	Member
6. Superintendent, After-Care Home, Madhuban (Karnal)	..	Member
7. Superintendent, C.I.B., Panipat	..	Member-cum-Secretary.

The function of the Committee in its Advisory capacity will be to advise to Government on all matters concerning Welfare of the inmates of the Institutions as regards purchases the Committee will function as under :—

- (a) Arranging petty contracts for local purchase of articles mainly fruits, vegetables, milk, etc., for which no arrangements exist with the Controller of Stores, Haryana.
- (b) Arranging for the Barber and Cobbler for the inmates of the Institution,

2. The term of the members of the Committee will be for 3 years.

3. A nominated member may, however, be removed, if he does not attend three meetings of the Committee consecutively. The successor of members so removed shall be nominated by the Government for the remaining term.

MEETING

The meeting of the Committee will ordinarily be held at Panipat once a month, except in very urgent cases when a special meeting may be called by the Chairman.

No T.A./D.A. will be admissible to the members of the Committee.

The quorum of the meeting will be four members.

No. SW(68)/655.—The President of India is pleased to constitute a Purchase Committee comprising of the following officials and non-officials for effecting local purchases for the Training Centre for the Adult Blind, Sonepat :—

1. Sub-Divisional Officer (Civil), Sonepat	..	Chairman
2. Senior Medical Officer, Sonepat	..	Member
3. The Assistant District Industries Officer, Sonepat	..	Member
4. Chairman, Sonepat Co-operative Consumers Stores, Ltd., Sonepat	..	Member
5. Superintendent, Training Centre for the Adult Blind, Sonepat	..	Member-cum-Secretary

The Committee shall be responsible for :—

- (a) Arranging petty contracts for local purchase of articles namely fruits, vegetables, milk, etc., for which no arrangements exist with the Controller of Stores, Haryana.
- (b) Arranging for the Washerman, Barber and Cobbler for the inmates of the Institution.

The term of the Members of the Committee will be for 3 years.

A nominated member may, however, be removed, if he does not attend three meetings of the Committee consecutively. The successor of the members so removed shall be nominated by the Government for the remaining term.

MEETING

The meeting of the Purchase Committee will be held as and when necessary for approving tenders for the purchase of various commodities.

No. T.A./D.A. will be admissible to the members of the Committee.

The quorum of the meeting will be four members.

R. I. N. AHOOJA, Secy.

REVENUE DEPARTMENT

The 16th February, 1968

No. 950-R(II)-68/624.—In pursuance of the provisions of sub-section (2) of section 49 of the Punjab Land Revenue Act, 1887, it is hereby notified that the President of India has granted sanction to the undertaking of general reassessment of the land revenue of all the Tahsils of Karnal and Hissar districts in the State of Haryana.

B. S. GREWAL, Secy.

WAR JAGIR

CORRIGENDA

The 2nd February, 1968

No. 391-R(IV)-68/515.—In Haryana Government (Revenue Department) notification No. 6872-R(IV)-67/4619, dated the 5th December, 1967, published in Haryana Government Gazette, dated the 12th December, 1967, the words "Janji Ram" shall be substituted for the words "Jangi Ram" appearing therein, against Serial No. 1.

The 15th February, 1968

No. 521-R(IV)-68/581.—In Haryana Government (Revenue Department) notification No. 6093-R(IV)-67/4503, dated the 29th November, 1967 published in Haryana Government Gazette, dated the 5th December, 1967 the words "Diery Mohalla Rohtak, Nuna Majra, Jasawar Kheri" shall be substituted for the words "Diery Mohalla, Muna Majra, Jasawar Khesi" appearing therein, against S. Nos. 19, 25 and 28 respectively.

No. 468-RIV-68/607.—Revenue Department notification No. 1757-R(IV)-67/3160, dated the 11th September, 1967, is hereby cancelled.

CORRIGENDUM

The 19th February, 1968

No. 7353-R(IV)-67/652.—In Haryana Government (Revenue Department) notification No. 312-RIV-66/1274, dated the 29th April, 1967 published in Haryana Government Gazette, dated the 9th May, 1967, the words "Nayon" shall be substituted for the words "Main" appearing therein in column No. 4 against S. No. 12.